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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,572	09/04/2003	Mark Dane	H0644-700719	6428

37462	7590	11/06/2007
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EXAMINER	
MCCORMICK, GABRIELLE A	

ART UNIT	PAPER NUMBER
3629	

NOTIFICATION DATE	DELIVERY MODE
11/06/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@ll-a.com  
gengelso@ll-a.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/655,572	<b>Applicant(s)</b> DANE ET AL.	
	<b>Examiner</b> Gabrielle McCormick	<b>Art Unit</b> 3629	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/11/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Status of Claims*

1. This action is in reply to the application filed on September 4, 2003.
2. Claims 1-16 are currently pending and have been examined.

### *Information Disclosure Statement*

3. The Information Disclosure Statement filed on May 11, 2006 has been considered. An initialed copy of the Form 1449 is enclosed herewith. An objection is made to the IDS as it notes that certain Non Patent Literature (NPL) documents are not provided because they were previously provided in a prior application. The prior application is not provided, so the Examiner has no means of reviewing aforementioned NPL. The applicant is requested to provide copies of the NPL so that they be both reviewed by the Examiner and scanned into the electronic docket management system.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 is dependent from claim 2 and refers to "the act of **displaying**". Claim 2 comprises an act of **determining**. There is insufficient antecedent basis for "displaying" in this claim. Applicant should note that changing the dependency of claim 6 from claim 2 to claim 5 to overcome the antecedent basis rejection would create a claim redundant with claim 7.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-16** are rejected under 35 U.S.C. 102(b) as being anticipated by Roy et al. (US Pub. No. 2002/0069080 hereinafter referred to as "Roy").
8. Roy discloses a web based system for cataloging, inventorying, selecting, measuring, valuing and matching "Intellectual Capital Skills" using networked computers and where the data is stored in a relational database. The system stores "Intellectual Capital codes" that are used to create a job description. (P [0038]). The system is accessible to various users, including clients (employers) and recruiters. (P [0128]). This provides the teaching that either a client or a recruiter may determine, view, receive, develop or create any part of the invention.
9. **Claim 1:** Roy discloses
- *developing a job description, the first job description comprising a first set of components;* (P [0042] and Fig. 3(a))
  - *storing the first set of components in a database;* (P [0039])
  - *creating a second job description having a second set of components, at least one of which is selected from the first set of components stored in the database.* (P [0038]: The "Intellectual Capital codes" can be used to create multiple job descriptions. Fig. 3(a) discloses a template in which multiple job descriptions would use the common components (fields of the template) for data entry.)
10. **Claim 2:** Roy discloses determining the first set of components. (P [0035]).

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11. **Claim 3:** Roy discloses selecting an Intellectual Capital code (P [0038]: position requirements are created) and displaying to a client (Fig. 3(a) is a screen shot that would be displayed to a client accessing through the system illustrated in Fig. 1).
12. **Claim 4:** Roy discloses storing in a relational database. (P [0039]).
13. **Claims 5, 6, 7 and 9:** Roy discloses displaying the selection to a client and a recruiter using a computer system. (Fig. 3(a) is a screen shot that would be displayed to a client and a recruiter accessing through the system illustrated in Fig. 1).
14. **Claim 8:** Roy discloses a recruiter interacting with a client. (P [0134]).
15. **Claims 10 and 11:** Roy discloses an educational requirement and a task (skill). (P [0053]).
16. **Claim 12:** Roy discloses receiving hiring needs and determining a job description. (P [0042]: the job description is created using the menu of skills required for the submitted job position).
17. **Claims 13 and 14:** Roy discloses displaying job descriptions to a client and a recruiter. (Fig. 3(a) is a screen shot that would be displayed to a client and a recruiter accessing through the system illustrated in Fig. 1).
18. **Claim 15:** Roy discloses storing in a database (P [0039]) and selecting codes from the database. (P [0038]).
19. **Claim 16:** Roy discloses an educational requirement and a task (skill) (P [0053]) where the skills are selected from a database (P [0038]).


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**Conclusion**

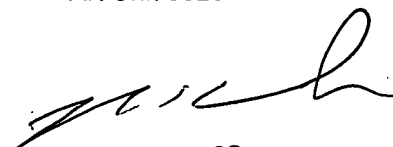
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is 571-270-1828. The examiner can normally be reached on Monday - Thursday (5:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gabrielle McCormick  
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Art Unit 3629



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